



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 4, 1993

Ms. Sharon Gillespie  
Assistant General Counsel  
Texas Department of Banking  
2601 North Lamar Blvd.  
Austin, Texas 78705-4294

OR93-276

Dear Ms. Gillespie:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 18612.

The Texas Department of Banking (the "department") received a request for a copy of "all applications pending before the Texas Department of Banking regarding Guaranty Bank, including, but not limited to, the applications dated December 2, 1992, and September 4, 1992." You say the department has no applications for the specified dates, but that the department has one pending application from several banks, one of which is Guaranty Bank. You contend this application is excepted from required public disclosure based on sections 3(a)(1), 3(a)(10) and 3(a)(12) of the Open Records Act.

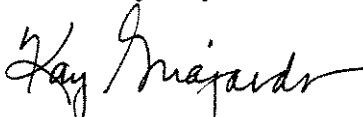
Section 3(a)(12) excepts from required public disclosure

information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act.

We have reviewed the application at issue. It consists of information about the condition and operation of several banks. Accordingly, we conclude that you may withhold the application based on section 3(a)(12) of the Open Records Act. See Open Records Decision No. 187 (1978).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay H. Guajardo", with a stylized flourish at the end.

Kay H. Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/le

Ref: ID# 18612  
ID# 18617

cc: Ms. Jessica E. Schwarz-Zik  
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